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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,260	08/29/2000	Yao-Ching Liu	16415-0020	9482

32294 7590 10/04/2004

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EXAMINER	
ODLAND, DAVID E	

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/650,260	LIU ET AL.	
	Examiner	Art Unit	
	David Odland	2662	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: *3-5,11-15,18-20,25,26,32 and 36-40*.

   Claim(s) rejected: *1,2,6-10,16,17,21-24,27-31 & 33-35*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of part 5c: the Applicant's arguments are not persuasive.

On page 7, the Applicant argues that there is no motivation in either Yang or Giroux to combine the references. Specifically, the Applicant points out that rather than teaching buffer/connection 'fairness', the Yang reference actually teaches an 'unfair' use of the buffer. The Examiner respectfully disagrees. In Yang, cells of a connection are dropped if the occupancy of the buffer storing the cells exceeds a threshold (see column 2 lines 53-60). As pointed out by Yang, in column 2 lines 23-31, the system allows at least a minimum service level to be maintained for particular users. Thus, by regulating the buffer and dropping cells when a threshold is exceeded, the system is acting fairly in that it will guarantee the user at least a minimum particular bandwidth and thus no other connections can dominate the buffer. Furthermore, there are additional reasons for one skilled in the art to combine these references. Another reason is that Giroux points out in paragraph [0003] that buffer congestion can cause buffer overflows, which are detrimental to a system. Therefore, the cell dropping operation performed in Yang will also aid in preventing the buffer from overrunning, thereby making the Giroux system more reliable.

On page 9, the Applicant argues that the VCNs of Yang are not 'receive ports'. However, although not explicitly stated in Yang, there is undoubtedly 'ports' for which the data transported over the VCN circuits must enter through in order to be put in the buffer (see figures 3 and 4). Nonetheless, the primary reference, Giroux, discloses 'receive ports' in figure 1 (see items labeled 'input ports') and so this limitation is still shown in the prior art.